

REMARKS/ARGUMENTS

These remarks are responsive to the non-final Office Action mailed April 17, 2008. Applicant notes that claims 18-19, 21-26, 28-30, and 45, 47-54 are pending for examination in this application. Applicant greatly appreciates the indication of allowable subject matter for the instant application. Claim 1-17 have been cancelled as non-elected subject matter. Claims 29 and 53 have been allowed. No new matter has been added. Reconsideration and allowance is requested.

Allowable Subject Matter

Applicant believes that all the pending claims have either been allowable or stand with allowable subject matter. In the Office Action claims 29 and 53 are allowed. As noted in the Office Action, claims 24-25 were objected to and not rejected in the Office Action. Claim 24 has been amended to overcome the objection.

Claims

Claims 18-19, 21-22 and 28 and 54 have been rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 6,595,473. It is respectfully submitted that the '473 Patent fails to teach or suggest the invention recited in claim 18 e.g., A guiding and supporting member for maintaining a flexible member at a predetermined minimum bend radius, said guiding and supporting member comprising a curved tubular elongated body having a predetermined bend between first and second ends, the first end including a collar comprising a first circumferential flange, a second circumferential flange and a seat extending between said flanges; wherein the body and collar form of a *one piece molded* construction and having a guide; further comprising a central passageway for receiving and supporting the elongated flexible member, said passageway including *at least one inner curved* surface for supporting the elongated flexible member when positioned within the guiding and supporting member. ”

The '475 patent fails to disclose each and every feature of the member as recited in claim 18. “The identical invention must be shown in as complete detail as is contained in the ... claim.” *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). Additionally, Applicants point out that “[f]or a prior art reference to anticipate a claim, the reference must disclose each and every element of the claim with sufficient clarity to prove its existence in the prior art.” *Motorola, Inc. v. Interdigital Tech. Corp.*, 43 USPQ 2d 1481, 1490

(Fed. Cir. 1997). In view of the foregoing, claim 18 is allowable and claims depending therefrom.

With respect to claim 28, the '475 patent fails to teach or suggest the sweep as alleged in the Office Action. Claim 28 recited in part, a sweep for being used with a guiding and supporting member to maintain a flexible member at a predetermined radius, said sweep comprising a curved elongated body having a predetermined bend, a passageway and first and second ends for being securely retained within *an aperture of a respective guide*, said first and second ends each including a collar having a first circumferential flange, a second circumferential flange and *a seat extending between said flanges for removably receiving a portion of the respective guide*. Applicant disagrees with the broad characterization of the '475 Patent in the Office Action. It is respectfully submitted that there is no sweep, no guide and no seat for removably receiving a portion of the guide in the '475 Patent. The '475 patent fails to disclose each and every feature of the member as recited in claim 28. "The identical invention must be shown in as complete detail as is contained in the ... claim." *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). Additionally, Applicants point out that "[f]or a prior art reference to anticipate a claim, the reference must disclose each and every element of the claim with sufficient clarity to prove its existence in the prior art." *Motorola, Inc. v. Interdigital Tech. Corp.*, 43 USPQ 2d 1481, 1490 (Fed. Cir. 1997). In view of the foregoing, claim 28 is allowable and claims depending therefrom.

Claim 45, 47-48 and 51-52 were rejected as being anticipated by U.S. Patent No. 4,068,705. Applicant disagrees. With respect to claims 45 and 47, there is no sweep *comprising an elongated molded tubular body defining a passageway for the flexible member, tubular body being curved at a predetermined radius*. Hence, applicant believes that claims 45 and 47 are not anticipated by the '705 Patent.

CONCLUSION

For the foregoing reasons, it is respectfully submitted that this application is in condition for allowance for claims 18-19, 21-26, 28-30, and 45, 47-54. Should the Examiner believe that anything further is desirable in order to place the application in better form for allowance, the

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Examiner is respectfully urged to contact Applicants' undersigned representative at the below-listed number. If any additional fees are required or if an overpayment has been made, the Commissioner is authorized to charge or credit Deposit Account No. 19-0733.

Respectfully submitted,
BANNER & WITCOFF, LTD.

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By: /Darrell G. Mottley/
Darrell G. Mottley
Registration No. 42,912

Telephone 202-824-3000